

Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

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www.southernshores-nc.gov

Ordinance 2012-04-03

AN ORDINANCE AMENDING THE ANIMALS ORDINANCE OF THE TOWN OF SOUTHERN SHORES

ARTICLE I. Purpose(s) and Authority.

WHEREAS, the Town of Southern Shores (the "Town") may enact and amend ordinances to protect the health, safety, and welfare of its citizens under North Carolina General Statutes § 160A-174; and

WHEREAS, the Town Council finds that it is in the interest of the public's health, safety, morals and general welfare that the Town's Animals Ordinance be amended as stated below.

ARTICLE II. Construction.

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by a "..." shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Animals Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Town's Code of Ordinances shall be amended as follows:

PART I. That Chapter 4 Section 4-25 be amended as follows:

Sec. 4-25. Animals Running at Large

(a) It shall be unlawful for the owner or custodian of any dog or other animal, other than an ordinary domesticated house cat, to fail to keep the same from running at large within the town. For the purposes of this article, an animal, other than an ordinary domesticated house cat, shall be deemed "running at large" when it is not restrained as specified in subsections (a)(1) through (5) of this section.

(1) When the animal is located upon the premises of the owner or custodian, it must not be able to enter upon public property or the premises of another person. Any animal off the premises of the owner or custodian shall be restrained by a leash, cord, or chain not exceeding ten feet in length, held by a person who is physically able to control the animal.

(2) For the purposes of this article, the term "premises of the owner or custodian" shall be defined as the residence of the owner or custodian, including the attached property surrounding the residence, that is owned or leased by such owner or custodian, but not including any common area, park, or recreational property jointly owned or leased by the members of a property owners' or tenants' association, unless such association desires to include its property by resolution of its governing board.

(3) No animal shall be deemed to be running at large when the animal is upon the premises of the owner or custodian and when the animal is contained on or restricted to such premises by any means, including verbal commands.

(4) Any animal enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.

(5) Any animal brought onto property and not contained or restrained in a vehicle where the custodian of the animal is performing work for pay or under contract on the property.

(b) Notwithstanding anything to the contrary in subsection (a) of this section, ~~no animal, excluding ordinary domesticated house cats, shall be allowed on the ocean beaches of the town from between May 15 through and September 15 of each year regardless of whether the animal is under control of its owner or custodian. During this period such animals are banned from the ocean beaches in the town. no dog, other than trained service dogs, shall be permitted on the ocean beaches of the Town between the hours of 9:00 a.m. and 6:00 p.m. unless being used to aid a handicapped person.~~ At all other times, no dogs shall be permitted on the ocean beaches of the town except upon a leash having a stretched length of no more than ten feet and held by a person who is physically capable of handling the dog. Further the person accompanying the dog must possess on his person a scooping device with which to remove feces in accordance with section 4-27. For the purpose of this subsection the term "ocean beach" shall mean and be defined as all beach land beginning at the first line of stable, natural vegetation, the toe of the slope of the frontal dune, or the storm trash line, whichever is most apparent to ordinary observation, and located the most oceanward of the three, and extend to and include the waters and bottoms of the Atlantic Ocean extending eastward 100 yards from the shoreline. In defining the term "ocean beaches," such term shall be interpreted consistently with G.S. 77-20(d) and (e).

(c) There is exempted from subsection (b) of this section any dog which is accompanied by its owner or custodian while on any part of the ocean beach which is owned or leased by that dog's owner or custodian, and no further eastward than the mean high water mark of the Atlantic Ocean. Provided further, that the dog must be on a leash having a stretched length of no more than ten feet and held by a person who is physically capable of handling the dog. Further the person accompanying the dog must possess on his person a scooping device with which to remove feces in accordance with section 4-27.

(d) It shall be unlawful for any dog or cat owner to fail to provide his dog or cat with a collar or harness to which a current year's rabies vaccination and identification tag are securely attached. A collar or harness, with attached current year's rabies vaccination and identification tag, must be worn at all times except when the dog or cat is confined on the owner's premises or during the time the animals are performing at an event or show sanctioned and supervised by a recognized organization. It shall be unlawful for any person to allow any dog or cat to wear a current year's rabies vaccination and identification tag issued for another dog or cat.


(e) It shall be unlawful for any dog owner to allow his dog to chase, snap at, show aggressive threatening behavior, or attack pedestrians, bicyclists or vehicles, or for any cat owner to allow his cat to urinate on, scratch, or otherwise damage personal property not belonging to the owner, or to allow either his dog or cat to conduct itself so as to be a public nuisance. Dogs declared potentially dangerous by the county health director will be confined in accordance with directives issued by the county health director as authorized by G.S. 67-4.1.

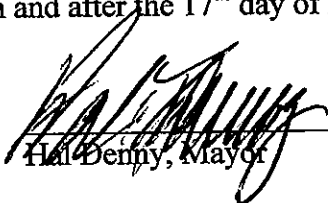
ARTICLE IV. Severability.

All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. Should a court of competent jurisdiction declare this ordinance or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance, the Zoning Ordinance or the Town Code of the Town of Southern Shores, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

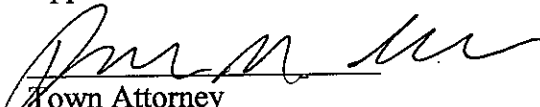
This ordinance shall be in full force and effect from and after the 17th day of April, 2012.

ATTEST:
The seal is circular with a double-lined border. The outer border contains the text "TOWN OF SOUTHERN SHORES" at the top and "N. C." at the bottom. In the center of the seal, the word "SEAL" is printed in a bold, sans-serif font. Overlaid on the seal is a handwritten signature in cursive script.
Town Clerk

A handwritten signature in cursive script, appearing to read "Hal Denny", written over a horizontal line.
Hal Denny, Mayor

Date: 04/17/2012
Vote: 3 Ayes 2 Nays

Approved as to form:

A handwritten signature in cursive script, appearing to be initials, written over a horizontal line.
Town Attorney